

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

UNITED STATES OF AMERICA ex rel.  
EDWARD HARRIS,

Plaintiff/Relators,

v.

ALAN RITCHEY, INC., et al.,

Defendants.

No. C00-2191Z

MINUTE ORDER

UNITED STATES OF AMERICA ex rel.  
CECIL G. JORGENSEN and ALLEN K.  
GREGORY,

Plaintiff/Relators,

v.

ALAN RITCHEY, INC., et al.,

Defendants.

The following Minute Order is made by direction of the Court, the Honorable Thomas S. Zilly, United States District Judge:

(1) Defendant Alan Ritchey, Inc.'s motion for partial dismissal, docket no. 103, is GRANTED. To the extent that relators Cecil Jorgenson and Allen Gregory allege in their Fourth Amended Complaint any claims under the False Claims Act, 31 U.S.C. §§ 3729-3733, relating to palletized mail transport equipment ("MTE"), such claims are barred, and therefore DISMISSED with prejudice, because relator Edward Harris was the first to file. See 31 U.S.C. § 3730(b)(5); *Campbell v. Redding Med. Ctr.*, 421 F.3d 817, 818 (9th Cir. 2005). Jorgenson's and Gregory's Fourth Amended Complaint was filed on January 7, 2007, see docket no. 89 in Case No. C01-588Z, while Harris's Second Amended Complaint was filed on September 8, 2006, see docket no. 84 in Case No. 00-2191Z. See also Order at 4

1 (docket no. 90) (Harris's "Second Amended Complaint alleges in detail that [Alan Ritchey,  
2 Inc. ("ARI")] fraudulently replacarded MTE units so it could bill the United States for work  
ARI employees did not perform.").

3 (2) Having advised the Court of a settlement of relator Harris's claims, see docket  
4 nos. 103 & 121, the United States, relator Harris, relators Jorgenson and Gregory, and Alan  
Ritchey, Inc. are hereby directed to SHOW CAUSE by March 7, 2008, why Harris's claims  
5 should not be dismissed without prejudice and without an award of costs or fees.

6 (3) The Clerk is directed to send a copy of this Minute Order to all counsel of  
record.

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8 Filed and entered this 25th day of February 2008.

9 BRUCE RIFKIN, Clerk

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11 By s/ Claudia Hawney  
12 Claudia Hawney  
13 Deputy Clerk  
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